

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

LARETTA AILEEN SIMPSON

PLAINTIFF

vs.

Civil No. 6:15-cv-06101

CAROLYN W. COLVIN
Commissioner, Social Security Administration

DEFENDANT

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before this Court is Plaintiff's Motion For Nonsuit. ECF No. 6. Plaintiff filed this Motion on November 9, 2015. *Id.* Defendant has not responded to this Motion, and the time to respond has expired. *See* Local Rule 7.2(b). Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2009), the Honorable Robert T. Dawson referred this Motion to this Court for the purpose of making a report and recommendation. In accordance with that referral, this Court enters the following report and recommendation.

With this Motion For Nonsuit, Plaintiff requests her case be dismissed. ECF No. 6. Considering this Motion, the Court finds it is well-taken and recommends it be **GRANTED**. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Court also recommends this dismissal be without prejudice. Further, this Court recommends Plaintiff's Motion for Leave to Proceed *in forma pauperis* and Motion for Service (ECF No. 2) be **DENIED AS MOOT**.

The Parties have fourteen (14) days from receipt of this Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The Parties are

reminded that objections must be both timely and specific to trigger *de novo* review by the district court. *See Thompson v. Nix*, 897 F.2d 356, 357 (8th Cir. 1990).

ENTERED this 30th day of November 2015.

s/ Barry A. Bryant

HON. BARRY A. BRYANT

U. S. MAGISTRATE JUDGE